IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GENENTECH, INC. and CITY OF HOPE, Plaintiffs, v. AMGEN INC., Defendant.	)	C. A. No. 17-1407-CFC CONSOLIDATED **JURY TRIAL DEMANDED**

SUPPLEMENTAL TOPICS TO GENENTECH'S AMENDED
SECOND NOTICE OF RULE 30(b)(6) DEPOSITION

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 30(b)(6), plaintiff Genentech, Inc. ("Genentech") will take the deposition upon oral examination of Amgen Inc. ("Amgen") through one or more officers, directors, agents, or other representatives who shall be designated to testify on Amgen's behalf as to all information known or reasonably available to Amgen regarding the subject matters set forth in Attachment A, as well as the topics set forth in Genentech's Amended Second Notice of Rule 30(b)(6) Deposition. D.I. 328. Genentech requests that Amgen provide written notice at least five (5) business days before the deposition of the name(s) and employment position(s) of the individual(s) designated to testify on Amgen's behalf, on a topic-by-topic basis, and provide the name and most recent version of a resume or curriculum vitae of each designee.

This deposition shall commence on September 30, 2019 at 9:00 am at McCarter & English LLP, Renaissance Centre, 405 N. King Street, 8th Floor, Wilmington, Delaware 19801, or at such other time and location as agreed upon by the parties, shall continue day to day thereafter, and shall be taken before a duly certified court reporter and notary public or other

person authorized by law to administer oaths. The deposition will be recorded by stenographic means and videotape.

Respectfully Submitted,

Dated: August 29, 2019

MCCARTER & ENGLISH, LLP

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ATTACHMENT A

INSTRUCTION AND DEFINITIONS

1. As used herein, the terms "you," "your," "yours," and "Amgen" mean jointly and severally defendant Amgen Inc., its officers, directors, employees, divisions, parent companies, subsidiaries, affiliates, and predecessors or successors-in-interest, any joint venture to which it may be a party, consultants, agents, and accountants, including any person who served in any such capacity at any time.

2. As used herein, the term "including" means "including but not limited to" or "including without limitation."

3. As used herein, the terms "and" as well as "or" shall be construed either disjunctively or conjunctively, and references shall be construed either as singular or plural, as necessary to bring within the scope of these topics any information that might otherwise be construed to be outside their scope.

4. As used herein, the term "all" shall be construed to mean all or any, and the term "any" shall be construed to mean all or any.

5. As used herein, the term "communication" means any transmission of information from one person to another, including, without limitation, by personal meeting, telephone, facsimile, electronic transmission, including electronic mail, and teleconference.

6. As used herein, "ABP 215" shall be construed to include: (1) any drug product described in Amgen's Abbreviated Biologics License Application No. 761028 ("Amgen's aBLA") for its biosimilar candidate to Avastin; (2) any bevacizumab drug substance(s) identified therein; and (3) Mvasi.

7. As used herein, "Patents-in-Suit" shall be construed to mean U.S. Patent No. 6,331,415; U.S. Patent No. 6,884,879; U.S. Patent No. 7,060,269; U.S. Patent No. 7,169,901; U.S. Patent No. 8,512,983; U.S. Patent No. 8,574,869; U.S. Patent No. 9,441,035; and U.S. Patent No. 9,795,672.

SUPPLEMENTAL TOPICS

37. The launch of ABP 215, including the factors considered in determining whether to launch ABP 215 and the timing of the launch.

38. Annual, quarterly, and monthly sales data (in dollars and vials) for Mvasi.

39. Net and gross income attributable to Mvasi, the calculation by which Amgen derives net income attributable to Mvasi from the gross income attributable to Mvasi.

40. Amgen's profit and loss statements relating to Mvasi.

41. Amgen's understanding of the current, proposed, or contemplated formulary status of Mvasi.

42. The rebates, discounts, or other financial benefits or concessions that Amgen is negotiating or has agreed to provide to third parties, including payers, pharmacy benefit managers, providers, and group purchasing organizations, relating to Mvasi. This Topic includes any conditions that third parties must satisfy to receive such rebates, discounts, or other financial benefits or concessions.

43. Each settlement, license agreement, or other agreement (including partnership or joint venture agreement) relating to the commercialization of ABP 215, including financial terms, royalty rates, and milestone payments.

44. Any purported benefits of ABP 215 in comparison to Avastin that Amgen has communicated to third parties.

45. Amgen's reliance upon advice-of-counsel concerning U.S. Patent No. 8,574,869.

46. Amgen's reliance upon advice-of-counsel concerning U.S. Patent No. 9,795,672.

47. Amgen's instructions to outside counsel with respect to obtaining advice-of-counsel concerning U.S. Patent No. 8,574,869.

48. Amgen's instructions to outside counsel with respect to obtaining advice-of-counsel concerning U.S. Patent No. 9,795,672.